



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-5171



Colby Brook Park Realty Trust
Attn: Robert Griggs, Trustee
PO Box 1019
Epsom, NH 03234

Re: Colby Brook Estates Water System
Route 28
Epsom, New Hampshire
EPA #0773020

ADMINISTRATIVE ORDER
No. WD 03-002

January 17, 2003

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division, to Robert Griggs pursuant to RSA 485:4 and RSA 485:58. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH 03301.
2. Colby Brook Park Realty Trust, Robert Griggs, Trustee, is a trust having a mailing address of PO Box 1019, Epsom, NH 03234 (the "Trust").

C. STATEMENTS OF FACTS AND LAW

1. RSA 485 authorizes DES to regulate public water supplies. RSA 485:43 authorizes DES to adopt drinking water rules which require community water systems to annually notify their customers of the results of water quality tests. Pursuant to this authority, DES has adopted NH Admin. Rule Env-Ws 352.
2. The Trust is the owner of a water system which serves approximately 30 residential units with an estimated population of 75 persons on Route 28 in Epsom, New Hampshire ("Water System").
3. RSA 485:1-a, I and Env-Ws 302.02(i) define a community water system as "a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents."
4. The Water System meets the definition of a community water system

5. Env-Ws 352 requires all community water systems to prepare and deliver a Consumer Confidence Report ("CCR") to DES by July 1 of each year and to certify to DES by October 1 of each year that the requirements specified in Env-Ws 352 were met.
6. The Water System failed to produce and deliver the CCR to DES by July 1, 2002.
7. On August 20, 2002, a Notice of Violation ("NOV") was issued to the Water System. The NOV requested the Water System to submit a copy of the CCR and certification within 15 days.
8. DES has no record of the requested response to the NOV
9. On October 18, 2002, a Letter of Deficiency ("LOD") was issued to the Water System. The LOD requested the Water System:
 1. By November 12, 2002, prepare and deliver to the water system's customers and DES the 2002 CCR containing calendar year 2001 drinking water information; and
 2. By November 19, 2002, submit to DES the 2002 CCR certification
10. The LOD was received by the Water System as evidenced by the signed postal receipt
11. To date, the Trust has not supplied the requested information and DES has no record of the requested response to the LOD.

D. DETERMINATION OF VIOLATIONS

1. The Water System has violated Env-Ws 352.03 by failing to prepare and deliver a 2002 CCR to DES by July 1, 2002.
2. The Water System has violated Env-Ws 352.03 by failing to certify the 2002 CCR to DES by October 1, 2002.

E. ORDER

Based on the above findings, DES hereby orders the Trust as follows

1. **Within 21 days of the date of this Order**, prepare and deliver the 2002 CCR containing calendar year 2001 drinking water information to Water System customers and DES in accordance with Env-Ws 352.
2. **Within 30 days of the date of this Order**, submit to DES the 2002 CCR certification
3. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Alan Leach
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095
Voice: (603) 271-2854
Fax: (603) 271-5171
e-mail: aleach@des.state.nh.us

F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve The Trust of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 485:58 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. The Trust remains obligated to comply with all applicable drinking water statutes and rules. DES will continue to monitor the Trust's compliance with applicable requirements and will take appropriate action if additional violations are discovered.


COPY

Harry [redacted], P.E., Director
Water Division


COPY

George Dana Bisbee
Acting Commissioner

Certified Mail/RRR: 7099 3400 0003 0689 5188

cc: Gretchen Rule, DES Legal Unit
Public Information Officer, DES PIP Office
Jennifer Patterson, Sr. Assistant Attorney General
Merrimack County Registry of Deeds (w/original)
Epsom Board of Selectmen
Alec Bottomly, Primary Operator
US EPA, Region 1